

# Introduction of the District of Columbia Legislative Autonomy Act of 2006

Today, I am introducing the District of Columbia Legislative Autonomy Act of 2006, the second in a series of "Free and Equal D.C." bills to remove the remaining congressional statutes that impose discriminatory and unequal treatment on the District of Columbia as a U.S. jurisdiction, on its elected and public officials, and on its citizens. These bills are different from the No Taxation without Representation Act, which in addition to providing equal treatment, would remedy a major violation of basic human rights recognized under international law and treaties and, moreover, a human rights denial found only in the United States. Residents justifiably focus on this most basic of infringements, but our city can and must make more progress on other unnecessary requirements and denials that violate the rights of the taxpaying American citizens who live in the nation's capital as well.

The Free and Equal D.C. series addresses privileges, rights and benefits universally enjoyed not only by the citizens of state and local jurisdictions, but also by the four territories, under federal principles of local control that govern the United States. Among the most important are the right to enact local budget, civil and criminal laws free from federal interference. This bill's fraternal twin, the most important in the Free and Equal D.C. series, H.R. 1629, the District of Columbia Budget Autonomy Act of 2005, sponsored by Government Reform Committee Chairman Tom Davis and I, was introduced last year as the first bill of the series. The Senate passed the bill in 2003, and my goal is to achieve passage by both houses this session.

Because the period of congressional review involves only legislative days, when Congress is in session, not calendar days, D.C. laws typically do not become law for months, not days. A required hold on all D.C. bills, forces the City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the operations of the large and rapidly changing city continue. The Legislative Autonomy bill would eliminate the need for the District to engage in this Byzantine process that often requires a two-thirds super majority even for ordinary legislation.

This second bill in the Free and Equal D.C. series would eliminate the congressional review period for civil and criminal District acts of 30 days and 60 days respectively. I have introduced today's legislative autonomy bill before, but today's bill is particularly timely because of substantial changes in congressional approach and practices in responding to Council-passed law. In effect, Congress has eliminated the review or layover period. My bill would do no more than align D.C. City Council practices with the approaches Congress uses today.

Moreover, although control of the Congress changed in 1994 for the first time in 40 years, no resolution of disapproval has been heard in committee or used on the floor of either house. Instead of the cumbersome formal filing of bills that require processing in the House and the Senate, both use other more efficient processes, particularly appropriations or attachments to other bills. My bill would eliminate a formal review system that has died of old age and non-use. Congress has walked away from layover review and should allow the city to do the same.

Today's bill, of course, does not prevent review of District laws by Congress. Under Article I, Section 8 of the Constitution, the House Government Reform Committee and the Senate Government Affairs Committee could scrutinize every piece of legislation passed by the City Council, if desired, and could change or strike legislation under the plenary constitutional authority over the District. However, today Congress prefers more rapid approaches. My bill merely eliminates the automatic hold placed on local legislation and eliminates the need for the City Council to use a Byzantine emergency and temporary process to keep the District functioning under law.

Since the Home Rule Act became effective in 1974, of over 2000 legislative acts that have been passed by the Council and signed into law by the Mayor, only three resolutions to disapprove a D.C. bill have been enacted, and two involved a distinct federal interest; only 43 acts have been challenged by a congressional disapproval resolution. Federal law to correct for a federal interest, of course, would be appropriate for any jurisdiction, but placing a hold on 2000 bills has not only proved unnecessary, but has meant untold costs in money, staff and time to the District and the Congress.

We continually urge the District government to pursue greater efficiency and savings. Congress must now do its part to promote greater efficiency both here and in the District by streamlining its own cumbersome, redundant, and obsolescent review processes. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue; my bill would benefit the city's bond rating, which is effected by the shadow of congressional review that delays the certainty of finality to District legislation. At the same time, Congress would give up none of its plenary power because the Congress may intervene into any District matter at any time.

Thus, the limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 32 years since the Home Rule Act became effective. This goal can be achieved not only without prejudice to congressional authority. A congressional practice for many years now that has meant savings to Congress should now be reciprocated to the City Council as well. I urge my colleagues to pass this important measure.